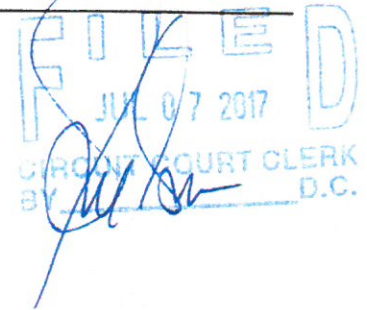


**IN THE CIRCUIT COURT OF SHELBY COUNTY, TENNESSEE  
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS**

**ANGELA STUDDARD, INDIVIDUALLY AND AS  
LAWFUL WIFE, NEXT OF KIN, ADMINISTRATOR AD LITEM  
AND PERSONAL REPRESENTATIVE  
FOR EDMOND STUDDARD, DECEASED AND  
ESTATE OF EDMOND STUDDARD**



**Plaintiff,**

**VS.**

**NO.:** CT-002896-17  
DIVISION III  
**JURY DEMANDED**

**SHELBY COUNTY, TENNESSEE;  
SHERIFF WILLIAM OLDHAM, in his capacity  
as SHERIFF OF SHELBY COUNTY, TENNESSEE  
SHELBY COUNTY SHERIFF'S OFFICE;  
And ERIN J. SHEPHERD, INDIVIDUALLY AND  
AS EMPLOYEE OR AGENT OF SHELBY COUNTY, TENNESSEE  
And TERRY I. REED, INDIVIDUALLY AND AS  
EMPLOYEE OR AGENT OF SHELBY COUNTY, TENNESSEE**

**Defendants.**

---

**COMPLAINT**

---

Comes now the Plaintiff, Angela Studdard, Individually and as Lawful Wife, Next of Kin, Administrator Ad Litem and Personal Representative for Edmond Studdard a/k/a Eddie Studdard, Deceased and Estate of Edmond Studdard and for good cause alleges the following cause of action against the Defendants, both jointly and severally and would respectfully state and allege as follows:

Plaintiff files this action pursuant to all applicable laws, including but not limited to the Tennessee Wrongful Death Statute, 42 U.S.C. Section 1983, Fourth Amendment to the United States Constitution and Tennessee Governmental Tort Liability Act.

### **JURISDICTION AND VENUE**

1. This Honorable Court has subject matter jurisdiction over this controversy because the causes of action alleged, took place and/or arose in Shelby County, Tennessee. This Honorable Court has jurisdiction over this action pursuant to inter alia, T.C.A. Section 16-10-101, Tennessee Wrongful Death Statutes, Tennessee's Governmental Tort Liability Act, the Common Law of Tennessee and other applicable laws. This Honorable Court has concurrent jurisdiction for any action arising out of violations of 42 U.S.C. Section 1983 and this action is brought pursuant to 42 U.S.C. Section 1983 and the Fourth Amendment to the United States Constitution.

2. Venue is proper for this action in Shelby County, Tennessee pursuant to inter alia, T.C.A. Section 20-4-101 because this cause of action arose within Shelby County, Tennessee.

### **PARTIES**

3. Plaintiff Angela Studdard is an adult resident citizen of Shelby County, Tennessee and was lawfully married to Edmond Studdard, Deceased on July 7, 2016 and the date of his death on September 4, 2016, and was so at all relevant times to this Complaint. Plaintiff Angela Studdard, Individually and as lawful wife, next of kin, Administrator Ad Litem and Personal Representative for Edmond Studdard, Deceased and Estate of Edmond Studdard and on behalf of all wrongful death beneficiaries of Edmond Studdard, Deceased is the proper party to file this

Wrongful Death lawsuit pursuant to T.C.A. Section 20-5-101 et seq. including but not limited to Sections 20-5-106 and 2-5-107 and any other applicable law. Plaintiff Angela Studdard is bringing this action for the Wrongful Death and the constitutional violations suffered by Edmond Studdard on or about July 7, 2016 by Defendants when he was shot multiple times by Defendants Erin J. Shepherd and Terry I. Reed and ultimately died from his injuries on September 4, 2016.

4. Edmond Studdard, Deceased was an adult resident citizen of Shelby County, Tennessee at all relevant times to this Complaint, up to the date of his death on September 4, 2016.

5. Defendant Shelby County, Tennessee is a political subdivision of the State of Tennessee, created pursuant to Article 7, Section 1 of the Tennessee Constitution and existing by virtue of the Charter of Shelby County. The Shelby County Sheriff's Office is a division of the Shelby County government.

6. Defendant Shelby County is the entity charged by laws of the State of Tennessee with authority to operate and maintain a law enforcement agency known as the Shelby County Sheriff's Office for which it employs various officers, detectives and other personnel. Defendant Shelby County is under a duty to ensure its policing activities are operated in a lawful manner so as to preserve the peace of Shelby County and to preserve the rights, privileges and immunities guaranteed and secured to its citizens by the Constitution and laws of the State of Tennessee. Defendant Shelby County is responsible for ensuring the establishment and enforcement of rules, regulations, policies, procedures and customs for Shelby County Sheriff's Office, including training law enforcement officers and other employees of the Shelby County Sheriff's Office. Shelby County does not have immunity for acts alleged herein and has waived sovereign immunity for the acts and/or omissions of its employees set forth herein arising out of and in the



course of and scope of their employment complained of herein pursuant to the Tennessee Governmental Tort Liability Act, T.C.A. Section 29-20-101, et seq.; T.C.A. Section 8-8-302 and T.C.A. Sections 4-21-701 et seq. Further, Defendant Shelby County, Tennessee (Shelby County) is subject to suit pursuant to 42 U.S.C. 1983.

7. At all pertinent times mentioned herein, Defendant Shelby County Sheriff's Office operated and maintained a law enforcement agency in the State of Tennessee. Defendant Shelby County Sheriff's Office is responsible for the implementation of policies, procedures, practices and customs as well as the acts and omissions, challenged in this lawsuit. Defendant Shelby County Sheriff's Office is also responsible for ensuring that its policies, procedures, practices and customs is in compliance with all applicable law, department or agency policies, rules and regulations and related standards of care.

8. At all times material hereto, Defendant William Oldham was the duly elected Sheriff of Shelby County. As Sheriff of Shelby County, Defendant Oldham is the chief law enforcement officer and final policymaker for Shelby County who is responsible for the establishment and enforcement of the policies, practices and customs of the Shelby County Sheriff's Office. Further, as Sheriff of Shelby County, Defendant is responsible for the training, supervision and discipline of law enforcement officers under his command. Defendant Oldham is under a constitutional duty to run the policing activities of the Shelby County Sheriff's Office in a lawful manner and to preserve the peace of Shelby County and to preserve the rights, privileges and immunities guaranteed and secured to citizens by the United States Constitution and the laws of the State of Tennessee. Sheriff is sued individually and in his official capacity as the Sheriff of Shelby County, Tennessee.

9. Defendant Erin J. Shepherd was at all times relevant to this Complaint an employee, officer, and/or detective of Sheriff Oldham, Shelby County, Tennessee and/or the Shelby County Sheriff's Office and was acting in the course and scope of her employment with Sheriff Oldham, Shelby County and/or the Shelby County Sheriff's Office. Defendant Erin J. Shepherd is sued individually and in her official capacity as an agent, employee and/or law enforcement officer of Defendants Oldham, Shelby County and/or Shelby County Sheriff's Office.

10. Defendant Terry I Reed was at all relevant times an employee and/or officer of Sheriff Oldham, Shelby County and/or the Shelby County Sheriff's Office and was acting in the course and scope of his employment with Sheriff Oldham, Shelby County and/or Shelby County Sheriff's Office. At all times relevant to this Complaint, Defendant Terry I Reed was acting pursuant to the direction, authorization, policies, practices and customs of Defendants Oldham, Shelby County and/or Shelby County Sheriff's Office. Defendant Terry I Reed is sued individually and in his official capacity as an agent, employee and/or law enforcement officer of Defendants Oldham, Shelby County and/or the Shelby County Sheriff's Office.

### **FACTS**

11. On July 7, 2016, four Shelby County Sheriff's Deputies responded to a report heard over their law enforcement radios from the Shelby County Sheriff's dispatcher, that someone was driving erratically and had been involved in a hit in run on the private property owned by Edmond Studdard's family business, A & H Ironworks, LLC located on Big Orange Road and near Macon Road in Shelby County, Tennessee.

12. On July 7, 2016, the four Shelby County Sheriff's Deputies responded to the report during the middle of the day and the weather was clear, the sun was shining and there were no

obstructions to their visibility or sight due to the weather or lighting outside.

13. At the time that the four Shelby County deputies appeared on Big Orange Road, there was no reasonable basis and/or objective basis for any of the four Shelby County Sheriff Deputies to believe that a felony had been committed as a result of the hit and run and there was no report of any personal injury suffered by anyone as the result of the hit and run on private property.

14. Defendants Erin Shepherd and Terry I. Reed were two of the four Shelby County Sheriff Deputies that arrived on Big Orange Road in response to the radio broadcast along with the other two Sheriff's Deputies whose identities are unknown.

15. On July 7, 2017, while responding to the dispatch call on Big Orange Road, one of the unidentified Shelby County Deputies came into visual contact with Edmond Studdard, Deceased a/k/a Eddie Studdard who was walking down the side of Big Orange Road. This unidentified Shelby County Sheriff's Deputy observed and began to follow Edmond Studdard as he walked down the side of Big Orange Road while the unidentified deputy sheriff was traveling on a Shelby County Sheriff's motorcycle and/or vehicle. This unidentified Shelby County Deputy Sheriff plainly saw and observed Edmond Studdard and relayed information over his radio to the other three Sheriff's Deputies waiting near the intersection of Big Orange Road and Macon Road that "Both of his wrists are slit. He's got a knife in his hand."

16. As a result of plainly observing Edmond Studdard walking down the side of Big Orange Road in the middle of the day with a small legal pocket knife in his hand and with cuts on both of his wrist, this unidentified Shelby County Sheriff's Deputy would reasonably conclude that Edmond Studdard would be suffering from mental illness or mental crisis.



17. Edmond Studdard, Deceased continued to walk down the side of Big Orange Road towards the intersection of Macon Road as the unidentified Shelby County Sheriff's Deputy followed him from behind on his motorcycle and/or car as the three other Shelby County Sheriff's Deputies waited for Edmond Studdard at or near the intersection of Big Orange Road and Macon Road.

18. Immediately prior to Edmond Studdard being shot two times by Defendants Erin Shepherd and Terry Reed, Edmond Studdard was not a felon evading arrest or attempting flight nor had he committed any felony or any misdemeanor in the four deputies presence. Edmond Studdard did not pose a threat of serious bodily injury either to any of the four Shelby County sheriff deputies, including Defendants Erin Shepherd and Terry Reed or any other individuals in the public at all relevant times to this Complaint.

19. Rather than attempt to deescalate the situation in which Defendant Shelby County Sheriff Deputies came into contact with Edmond Studdard on July 7, 2016, who was clearly suffering from mental illness and or mental crisis by attempting alternative means of interactions such as crisis intervention with Edmond Studdard or the use of non lethal force and/or alternative means of non lethal force such as stun gun, pepper spray, baton, Defendants Erin Shepherd and/or Terry Reed used unconstitutional lethal force by shooting Edmond Studdard one time in the neck and one time in the arm, ultimately directly and proximately causing the Wrongful Death of Edmond Studdard on September 4, 2016.

20. On July 7, 2016 Defendants Erin Shepherd and Terry Reed and the other two Shelby County Sheriff's deputies on Big Orange Road used suboptimal, dangerous tactics that place Shelby County Sheriff's Deputies such as Defendants in situations where deadly force is used unconstitutionally and the accompanying risk of unnecessary injury to officers and/or deputies

and civilians increases.

21. At and immediately before the time that Defendants Erin Shepherd and Terry Reed shot Edmond Studdard in violation of his constitutional rights, the other two unidentified Shelby County Sheriff's Deputies on the scene on Big Orange Road made conscious decision not to shoot Edmond Studdard. If Edmond Studdard was posing an immediate threat to the Shelby County Sheriff's Deputies or others on the scene, these two unidentified Sheriff's Deputies would have been required to shoot Edmond Studdard but did not do so because there were no reasonable grounds or basis to do so.

22. All four Shelby County Sheriff's Deputies were on the scene at the time Edmond Studdard was shot by Defendants Erin Shepherd and Terry Reed but the other two unidentified Shelby County Sheriff's Deputies did not shoot Edmond Studdard which places the decision to shoot Edmond Studdard by Defendants Erin Shepherd and Terry Reed in dispute and presents conflicting evidence against the Defendants' decision to shoot and kill Edmond Studdard.

23. At the time that Defendants Erin Shepherd and Terry Reed used lethal force and shot Edmond Studdard, they did not have probable cause or a reasonable and/or objective basis to believe that Edmond Studdard posed a threat of serious bodily injury to any of the Shelby County Sheriff's Deputies or the public in violation of Edmond Studdard's constitutional right to be free from unlawful and unconstitutional excessive force and unconstitutional seizure under the Fourth Amendment of the United States.

24. Defendants Erin Shepherd and Terry Reed acted with deliberate indifference and reckless disregard to the constitutional rights of Edmond Studdard, Deceased in shooting him on July 7, 2016 directly, legally and proximately causing with wrongful death on September 4,



2016.

25. As a direct and proximate result of Defendants Erin Shepherd and Terry Reed shooting Edmond Studdard on July 7, 2016, Edmond Studdard suffered severe and fatal injuries, including but not limited to being a quadraplegic that required him to be hospitalized on July 7, 2016, undergo two months of hospitalization, multiple surgeries ultimately directly, legally and proximately causing Edmond Studdard's premature death on September 4, 2016.

26. Defendants Erin Shepherd and Terry Reed never identified a specific threat from Edmond Studdard prior to firing the two shots that hit Edmond Studdard.

27. At all times material to this Complaint, Defendants Shepherd and Reed had no knowledge or information that the decedent had committed any crime.

28. Rather than standing at a safe distance from Edmond Studdard, requesting additional back up, mental health assistance or using non lethal force. Defendants Shepherd and Reed used inappropriate, unwarranted, unreasonable, excessive and unjustifiable force against Edmond Studdard, Deceased.

29. Defendants Shepherd and Reed escalated this situation and used deadly force without a proper investigation, without provocation and without using alternative measures to deadly force such as pepper spray, baton, taser and/or mental health intervention.

30. The decedent suffered extreme pain and suffering and lost his life as a result of the two gunshot wounds inflicted as a result of the actions or inactions of Defendants Shepherd and Reed.

31. As a direct and proximate result of the actions and/or omissions of Defendants, Edmond Studdard suffered extreme pain and suffering and suffered a premature death as the direct, proximate and legal cause of the violations of his constitutional rights.

32. It was foreseeable that the decedent and his family would sustain significant damages and devastating loss as a result of the actions and omissions of Defendants.

33. At all times relevant hereto, Defendants Shepherd and Reed were acting in their official capacity as law enforcement officers for the Shelby County Sheriff's Office and Defendants and acting under color of state law.

34. Alternatively, at all times relevant to the Complaint herein, Defendants Shepherd and Reed were acting in their individual capacities.

35. The policies, practices, customs and training of Defendant Shelby County were the driving force behind the deprivation of constitutional rights sustained by Edmond Studdard, Deceased.

36. Defendant Shelby County has created a custom and pattern of practice of exonerating deputies and/or officers who use excessive force and have allowed Shelby County Sheriff's Deputies to believe that they may violate the civil rights of its citizens as long as they allege that they thought the victim had a weapon or thought he was an immediate threat to the officers and/or public.

37. By failing to provide proper training and counseling for its officers, and by failing to conduct appropriate investigations and implement appropriate disciplinary action in situations where its officers violate the civil rights of its citizens, Defendant Shelby County has created an environment within the Sheriff's department where officers believe that they can do whatever they want, whenever they want, to whoever they want, irrespective of the United States Constitution.

38. Defendant Shelby County's policies, customs, training and practices failed to properly train, educate and supervise Shelby County Sheriff's Deputies when dealing with the mentally ill

and/or individuals such as Edmond Studdard suffering a mental crisis, directly, legally and proximately causing the constitutional violations alleged herein and the Wrongful Death of Edmond Studdard.

#### **CIVIL RIGHTS VIOLATIONS AGAINST ALL DEFENDANTS**

39. The allegations set forth in the previous paragraphs are adopted and incorporated herein by reference.

40. Defendants committed the above described actions and omissions under color of law and under color of their authority as law enforcement officers, substantially depriving the decedent of his rights, privileges and immunities guaranteed to him as a citizen of the United States in violation of 42 U.S.C. Section 1983 and deprived him of rights guaranteed to him by the United States Constitution including but not limited to the Fourth Amendment. Specifically, Edmond Studdard, Deceased was deprived of his rights including but not limited to freedom from unlawful seizure of his person, freedom from the use of unjustified and excessive force and freedom from the deprivation of life and liberty without due process.

41. At the time of the shooting of Edmond Studdard, Defendant Shelby County had no proper policy or custom regarding handling individuals with mental illness and/or suffering with a mental crisis such as Edmond Studdard, how to not escalate a situation with someone suffering from a mental crisis and did not provide adequate training and supervision in the appropriate manner and means to handle such situations as the one encountered with Edmond Studdard on July 7, 2016 as alleged in this Complaint. Even if the Defendant Shelby County had a policy or custom regarding such situations, the Defendant Shelby County improperly trained and/or supervised its officers and/or deputies, thereby allowing such police misconduct to occur.

42. The unreasonable and excessive force used against Edmond Studdard by Defendants



Shepherd and Reed in the form of multiple gunshots fired and hitting Edmond Studdard, deprived him of his right to be free from unreasonable, excessive, and deadly force and unreasonable seizure through means intentionally applied under the Fourth Amendment of the United States Constitution. Plaintiff avers that Defendants Shepherd and Reed knew to a moral certainty that the shots fired at Edmond Studdard as means intentionally applied to seize him were likely to cause severe injury or death.

43. Defendants Shepherd and Reed were not justified in their use of deadly force and further could not have believed in good faith that deadly force was warranted.

44. The injuries and premature death of Edmond Studdard could have been avoided had the Defendant Shelby County provided adequate training as to the proper use of excessive force and/or handling a situation with an individual with mental illness and/or mental crisis.

45. Defendants were on notice of the constitutional violations alleged herein by Defendants Shelby County Sheriff's Deputies.

46. As a direct and proximate cause and/or result of the actions and omissions of Defendants, Edmond Studdard was killed and his rights under the Fourth Amendment of the United States Constitution were violated and he suffered damages accordingly.

#### **STATE LAW CLAIMS**

47. The factual allegations set forth above are adopted and incorporated herein by reference.

48. In the alternative, Plaintiff sues Defendant Shelby County, Tennessee pursuant to the Governmental Tort Liability Act, T.C.A. Section 29-20-101 et seq. thereby subjecting it to liability for the acts of its agents, employees, apparent agents and officers.

49. Plaintiff alleges that the Defendant Shelby County is responsible for the acts of battery directly and proximately causing the premature and Wrongful Death of Edmond Studdard, committed by Defendants Shepherd and Reed in using excessive force against Edmond Studdard by using lethal deadly force in shooting Edmond Studdard, two times without reasonable basis under the law, directly, legally and proximately causing the damages to Edmond Studdard.

50. Edmond Studdard, Deceased as a direct and proximate result and cause of Defendants conduct in committing the battery against Edmond Studdard, resulting in his premature and Wrongful Death, also caused Edmond Studdard great and severe pain and suffering, medical bills in excess of One Million Dollars and his premature death and the loss of society and companionship with the Plaintiff and his two daughters.

### **DAMAGES**

As a direct and proximate cause and/or result of the alleged constitutional violations, Wrongful Death and violations of the Tennessee Governmental Tort Liability Act, Edmond Studdard died on September 4, 2016 and Plaintiff was injured for life. Plaintiff seeks all compensatory damages available under the law including but not limited to pain and suffering of Edmond Studdard, funeral expenses, medical expenses, pecuniary value of the life of Edmond Studdard and the loss of society and companionship and consortium for Plaintiff and her two daughters, Heather Studdard and Danielle Studdard.

### **PREMISES CONSIDERED Plaintiff prays and demands as follows:**

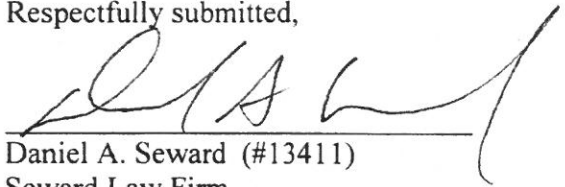
1. That a copy of this Complaint be served upon the named Defendants and that they be required to answer this Complaint.

2. That Plaintiff be awarded compensatory damages in the amount of \$5,000,000.00 (Five Million Dollars)

3. That Plaintiff have such other relief, both general and specific to which she may be entitled to at law or equity plus attorney fees, interest and the costs of this cause.

**JURY TRIAL DEMANDED**

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'DAS', is written over a horizontal line.

Daniel A. Seward (#13411)  
Seward Law Firm  
Attorney for Plaintiff  
4510 Chickasaw Road  
Memphis, TN 38117  
(901) 647-5848



(CIRCUIT/CHANCERY) COURT OF TENNESSEE  
140 ADAMS AVENUE, MEMPHIS, TENNESSEE 38103  
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

## SUMMONS IN CIVIL ACTION

Docket No. CT 602896-17
☒ Lawsuit  
☐ Divorce
Ad Damnum \$ 5,000,000.00

ANGELA STUDDARD, ET AL

SHELBY COUNTY, TENNESSEE, ET AL.

VS

Plaintiff(s)

Defendant(s)

TO: (Name and Address of Defendant (One defendant per summons))

Method of Service:

SHELBY COUNTY, TENNESSEE  
SERVE: MAYOR MARK LUTTRELL  
MAYOR OF SHELBY COUNTY, TENNESSEE  
160 North Main Street  
Memphis, TN 38103

☐ Certified Mail  
☒ Shelby County Sheriff  
☐ Commissioner of Insurance (\$)  
☐ Secretary of State (\$)  
☐ Other TN County Sheriff (\$)  
☐ Private Process Server  
☐ Other

(\$ ) Attach Required Fees

You are hereby summoned and required to defend a civil action by filing your answer with the Clerk of the Court and

serving a copy of your answer to the Complaint on **DANIEL A. SEWARD**

Plaintiff's

attorney, whose address is **4510 Chickasaw Road, Memphis, TN 38117**

telephone **(901) 647-5848**

within THIRTY (30) DAYS after this summons has been served upon you, not including the day of service. If you fail to do so, a judgment by default may be taken against you for the relief demanded in the Complaint.

JIMMY MOORE, Clerk / DONNA RUSSELL, Clerk and Master

TESTED AND ISSUED

July 7 2017

By

[Signature]

, D.C.

TO THE DEFENDANT:

NOTICE; Pursuant to Chapter 919 of the Public Acts of 1980, you are hereby given the following notice:

Tennessee law provides a ten thousand dollar (\$10,000) personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the Clerk of the Court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed. These include items of necessary wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible and school books. Should any of these items be seized, you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.

FOR AMERICANS WITH DISABILITIES ACT (ADA) ASSISTANCE ONLY, CALL (901) 222-2341

I, JIMMY MOORE / DONNA RUSSELL, Clerk of the Court, Shelby County, Tennessee, certify this to be a true and accurate copy as filed this

20\_\_

JIMMY MOORE, Clerk / DONNA RUSSELL, Clerk and Master

By: \_\_\_\_\_, D.C.

RETURN OF SERVICE OF SUMMONS

I HEREBY CERTIFY THAT I HAVE SERVED THE WITHIN SUMMONS:

By delivering on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ M. a copy of the summons

and a copy of the Complaint to the following Defendant \_\_\_\_\_

at \_\_\_\_\_

\_\_\_\_\_  
Signature of person accepting service

By:  797

Sheriff or other authorized person to serve process

RETURN OF NON-SERVICE OF SUMMONS

I HEREBY CERTIFY THAT I HAVE NOT SERVED THE WITHIN SUMMONS:

To the named Defendant \_\_\_\_\_

because \_\_\_\_\_ is (are) not to be found in this County after diligent search and inquiry for the following

reason(s): \_\_\_\_\_

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

By: \_\_\_\_\_  
Sheriff or other authorized person to serve process